

Message Text

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ACTION IO-14

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 3353

INFO AEC GERMANTOWN

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E. O. 11652: N/A

TAGS: AORG IAEA

SUBJECT: 17TH IAEA GENERAL CONFERENCE: REVISION OF RULES OF
PROCEDURE

REF: IAEA VIENNA A-474

SUMMARY: MEETING OF 14 MEMBERS OF IAEA BOARD BROUGHT TO LIGHT
NO MAJOR SUBSTANTIVE OBJECTIONS TO PROPOSED NEW RULES
OF PROCEDURE. HOWEVER, AGREEMENT WAS REACHED AD REFERENDUM TO
MAKE SOME CHANGES IN SECRETARIAT'S DRAFT WHEN IT IS DISCUSSED
IN A&L COMMITTEE. ACTION REQUESTED: AUTHORITY TO CONCUR IN
CHANGES IF THEY RECEIVE MAJORITY SUPPORT IN A&L COMMITTEE.

1. AT US INITIATIVE, SIX OFFICIALS OF SECRETARIAT MET SEPT 6
WITH REPRESENTATIVES OF 14 MEMBERS OF BOARD OF GOVERNORS,
INCLUDING ALL PERMANENT MEMBERS EXCEPT AUSTRALIA, IN ORDER
EXPLAIN GC(XVII)/503, PROPOSED NEW RULES OF PROCEDURE TO BE
ADOPTED ON CLOSING DAY OF THIS MONTH' GENERAL CONFERENCE.

2. OTHER THAN A FEW MINOR CHANGES IN WORDING TO CLARIFY MEANING
OF A PHRASE HERE AND THERE, ONLY PROPOSED RULES TO COME UNDER
FIRE WERE 19, 20, 27, 35, AND 36(D).

3. RULE 19 PROVIDES THAT IAEA DIRECTOR GENERAL MAY ADD
ITEMS OT PROVISIONAL AGENDA OF GC "IN CONSULTATION WITH BOARD."

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IN ANSWER TO QUERY, SECRETARIAT OFFICIALS SAID TIME MIGHT NOT

PERMIT FORMAL MEETING OF BOARD AND THEY THOUGHT INFORMAL CONSULTATIONS BY DG WOULD BE SUFFICIENT. POINT WAS NOT PRESSED AT MEETING AND CHANGE MAY OR MAY NOT BE PROPOSED IN A&L COMMITTEE.

4. RULE 20 PROVIDES THAT ITEMS FOR GC AGENDA PROPOSED LESS THAN 30 DAYS BEFORE GC OPENS, OR WHILE GC IN PROGRESS, MAY BE ADDED TO AGENDA BY TWO-THIRDS VOTE. MEXICAN AMBASSADOR, STRONGLY SUPPORTED BY BRAZILIAN RESREP, ARGUED THIS UNDEMOCRATIC AND PROPOSED SIMPLE MAJORITY. AFTER DEFENSE OF TWO-THIRDS BY US AND OTHERS, MEXICAN AND BRAZILIAN AGREED ACCEPT AS COMPROMISE RETURN TO LANGUAGE OF OLD RULE 15: "NO ADDITIONAL ITEM MAY BE CONSIDERED UNTIL 7 DAYS AFTER PLACED ON AGENDA, UNLESS GC BY TWO-THIRDS MAJORITY OF MEMBERS PRESENT AND VOTING DECIDES OTHERWISE." DESPITE FACT, WHICH WAS POINTED OUT, THAT THERE NO PRACTICAL DIFFERENCE BETWEEN LANGUAGE OF RULE 15 AND OF NEW RULE 20, EXCEPT ANACHRONISTIC REFERENCE TO SEVEN-DAY WAITING PERIOD, LATINS PREFERRED OPTICAL APPEARANCE OF POSSIBILITY OF AVOIDING TWO-THIRDS VOTE. COMMENT: ALTHOUGH NEW RULE 20 IS BETTER, WE WOULD STRONGLY PREFER RETURN TO RULE 15 LANGUAGE RATHER THAN LOSE TWO-THIRDS MAJORITY PROVISION.

5. RULE 27 PROVIDES FOR REPORT ON DELEGATES' CREDENTIALS TO BE CIRCULATED BY SECRETARIAT. AS EXPECTED, REFERENCE TO SECRETARIAT IN FIRST SENTENCE CAME UNDER ATTACK BY FRENCH AND GERMANS, WHO POINTED OUT CORRECTLY THAT DG IS HEAD OF SECRETARIAT AND ANY REPORT MUST BE CIRCULATED IN HIS NAME. INDIAN AMBASSADOR DISLIKED WORDING OF SECOND SENTENCE AND PROPOSED SUBSTITUTING, "IF ANY DELEGATE RAISES A QUESTION WHICH THE CONFERENCE IS UNABLE QUICKLY TO RESOLVE, THE MATTER SHALL BE REFERRED TO THE BUREAU FOR CONSIDERATION AND REPORT." US POINTED OUT THAT RULE 27 WAS PRODUCT OF DELICATE CONSULTATIONS AMONG MISSIONS (I.E., AS WE TOLD FRG AND FRANCE PRIVATELY, US AND USSR) AND WE SUGGESTED MEETING NOT ATTEMPT AMEND WORDING BUT THAT SECRETARIAT HOLD FURTHER CONSULTATIONS. THIS WAS AGREED TO. COMMENT: GREAT ACCOMPLISHMENT OF NEW RULE IS ABOLITION OF CREDENTIALS COMMITTEE. AS LONG AS IT IS NOT RESURRECTED, IS IS INDIFFERENT WHETHER CREDENTIALS REPORTS CIRCULATED BY GD, BY GC PRESIDENT, BY BOTH JOINTLY, OR BY "SECRETARIAT. WE ALSO HAVE NO STRONG FEELINGS ABOUT INDIAN SUGGESTION ON SECOND SENTENCE. WE BELIEVE WE CAN ACCEPT ANY REASONABLE WORDING

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WHICH OTHER DELEGATES MAY BE ABLE PERSUADE SOVIETS TO ACCEPT.

6. FRG RESREP PROPOSED ADDING A SENTENCE TO RULE 35, TO READ: "MEMBER OF AGENCY WHICH IS NOT REPRESENTED IN THE BUREAU MAY BE INVITED BY BUREAU TO PARTICIPATE WITHOUT THE RIGHT

TO VOTE IN DISCUSSION OF A PARTICULAR MATTER OF DIRECT CONCERN TO IT." HE POINTED OUT THIS WOULD GIVE GC PROVISION

COMPARABLE TO RULE 50 OF BOARD RULES. NO NONE OPPOSED FRG SUGGESTION.

7. FRG REP, ACTING UNDER INSTRUCTIONS, ALSO PROPOSED DELETION OF "OR ANY OTHER MEMBER OF THE BUREAU" FROM RULE 36(D), ARGUING THAT IT GAVE TOO MUCH POWER TO THOSE COUNTRIES REPRESENTED ON BUREAU. HE WAS STRONGLY SUPPORTED BY BRAZIL, INDIA, FRANCE, AND SOUTH AFRICA. US POINTED OUT THAT PROPOSALS FOR NEW RULES WHICH MEMBERS OF BOARD HAD SENT TO DG ON MAY 2 HAD INCLUDED PROVISION THAT BUREAU SHALL MEET AT REQUEST OF ANY MEMBER OF BUREAU. SECRETARIAT, IN DRAFTING FINAL TEXT OF PROPOSALS, HAD APPARENTLY EXPENDED THIS TO GIVE ANY MEMBER OF BUREAU POWER TO PROPOSE MATTERS FOR DISCUSSION, ON GROUNDS THAT POWER TO REQUEST MEETING POINTLESS IF BUREAU IS POWERLESS TO DISCUSS MATTER FOR WHICH MEETING CALLED. FRG SAID HE COULD ACCEPT ORIGINAL MAY 2 PROPOSAL BUT NOT SECRETARIAT'S EXPANSION OF IT, AND US THEN ACKNOWLEDGED CLEAR CONSENSUS IN FAVOR OF DROPPING THE OFFENDING PHRASE. COMMENT: WE HAD BEEN INSTRUMENTAL IN INCLUDING PROVISION CONCERNING MEETINGS IN MAY 2 LETTER, IN BELIEF IT MIGHT BE USEFUL FOR US, AS PERMANENT MEMBER OF BUREAU, TO HAVE POWER REQUESTS MEETING. HOWEVER, PROVISION CUTS

TWO WAYS, IRRESPONSIBLE MEMBERS OF BUREAU COULD ABUSE IT, AND WE RECOMMEND ACCEPTANCE OF FRG CHANGE IF THEY INTRODUCE IT TO A&L COMMITTEE, AS SEEMS CERTAIN. FRG TOLD US PRIVATELY THEY WOULD HAVE NO OBJECTION TO 36(D) IF THEY COULD BE SURE OF PERMANENT REPRESENTATION IN BUREAU, BUT THEY WERE NOT SURE WESTERN EUROPEAN GROUP WOULD AGREE TO THAT.

8. ACTION REQUESTED: WE CONTINUE BELIEVE GC(XVII)/503 IS ACCEPTABLE FROM STANDPOINT US INTERESTS, AND THEREFORE RECOMMEND AGAINST US SPONSORSHIP OF ANY AMENDMENTS IN A&L COMMITTEE. HOWEVER, SHOULD CHANGES AGREED UPON AD REFERENDUM UNCLASSIFIED

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IN SEPT 6 MEETING RESULT IN SPONSORSHIP BY OTHER DELEGATIONS OF AMENDMENTS AS DISCUSSED ABOVE, WE RECOMMEND WE BE AUTHORIZED ACQUIESCE IN THEIR ADOPTION IF CONSENSUS OF COMMITTEE IN THEIR FAVOR DEVELOPS. PORTER

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